

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

MARTIN J. WALSH, Secretary of
Labor, United States Department of Labor,

Plaintiff,

V.

**DAYEMI ORGANIZATION, INC. d/b/a
 LONGBRANCH CAFÉ AND BAKERY, an
 Illinois corporation, and ELAINE RAMSEYER
 GREENBERG, an individual,**

Defendants.

[illegible]

Civil Action No.: 3:21-cv-00056-SMY

CJRA Track: B

Presumptive Trial Month: July 2022

Judge Staci M. Yandle

SECRETARY OF LABOR’S MOTION *IN LIMINE*
TO EXCLUDE EVIDENCE OF INDUSTRY STANDARD AT TRIAL

Plaintiff Martin J. Walsh, Secretary of Labor, U.S. Department of Labor (“Secretary”), respectfully requests that all evidence regarding tip pooling practices in the food service industry and Defendants Dayemi Organization, Inc. d/b/a Longbranch Café and Bakery and Elaine Ramseyer Greenberg’s (collectively, “Defendants”) compliance with those tip pooling practices be excluded from trial pursuant to Federal Rules of Evidence 402 and 403.

The Secretary anticipates that Defendants will offer evidence of tip pooling practices in the food service industry and evidence of Defendants' compliance with this industry standard in support of their defense against liquidated damages. Such evidence has no probative value and is irrelevant to the question of whether an employer is liable for violations of the Fair Labor Standards Act ("FLSA" or the "Act"). As it will only serve to confuse the jury, such evidence should be excluded from trial. As additional support for this Motion, the Secretary refers this Court to his accompanying Memorandum in Support, incorporated herein by reference.

Respectfully submitted,

SEEMA NANDA

Solicitor of Labor

CHRISTINE Z. HERI

Regional Solicitor



ELISABETH NOLTE

Trial Attorney

U.S. Department of Labor

Office of the Solicitor

230 South Dearborn Street, Rm. 844

Chicago, Illinois 60604

312-353-7837

Nolte.Elizabeth.P@dol.gov

IL Bar No. 63221218

*Attorneys for Plaintiff Martin J. Walsh,
Secretary of Labor, United States Department
of Labor*

CERTIFICATE OF SERVICE

I certify that on June 8, 2022, the **Secretary of Labor's Motion *in Limine* to Exclude Evidence of Industry Standard at Trial and supporting Memorandum** was electronically filed using the CM/ECF System and served by email on the following:

Shari R. Rhode, Esq.
Rhode Law Firm
1405 West Main Street
Carbondale, IL 62901
shari@rhodelawfirm.com

/s/ Elisabeth Nolte
ELISABETH NOLTE
Attorney

United States Department of Labor,
One of the Attorneys for Martin J. Walsh,
Secretary of Labor